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6 *Attorneys for Plaintiff*  
7 *Dino Moody*

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 DINO MOODY, individually and on behalf  
11 of all others similarly situated;

12 Plaintiff,

13 v.

14 C2 EDUCATIONAL SYSTEMS INC., a  
15 Georgia corporation; and DOES 1 through  
25, inclusive

16 Defendant

Case No.

**CLASS ACTION COMPLAINT FOR:**

**VIOLATIONS OF CALIFORNIA  
TRAP AND TRACE LAW (CAL.  
PENAL CODE § 638.51)**

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**COMPLAINT**

**JURISDICTION**

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2 1. This Court has subject matter jurisdiction over this action pursuant to the Class  
3 Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2), because the total matter in controversy  
4 exceeds \$5,000,000 and there are over 100 members of the proposed class. Further, at least one  
5 member of the proposed class is a citizen of a State within the United States and at least one  
6 defendant is the citizen or subject of a foreign state.

7 2. This Court has personal jurisdiction over Defendant because, on information and  
8 belief, Defendant has purposefully directed its activities to the Central District of California by  
9 opening up several brick-and-mortar locations in this district and regularly tracking individuals  
10 in this district through its website. Defendant's unlawful conduct is directed at and harms  
11 California residents, including Plaintiff, and if not for Defendant's contact with the forum,  
12 Plaintiff would not have suffered harm.

13 3. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1391  
14 because Defendant (1) is authorized to conduct business in this District and has intentionally  
15 availed itself of the laws and markets within this District; (2) does substantial business within  
16 this District; (3) is subject to personal jurisdiction in this District because it has availed itself of  
17 the laws and markets within this District; and the injury to Plaintiff occurred within this District.

**PARTIES**

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19 4. Plaintiff Dino Moody ("Plaintiff") is a citizen of California residing within the  
20 Central District of California.

21 5. C2 Educational Systems Inc. ("Defendant") is a Georgia corporation that owns,  
22 operates, and/or controls [www.c2educate.com](http://www.c2educate.com).

23 6. The above-named Defendant, along with its affiliates and agents, are collectively  
24 referred to as "Defendants." The true names and capacities of the Defendants sued herein as  
25 DOE DEFENDANTS 1 through 25, inclusive, are currently unknown to Plaintiff, who therefore  
26 sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is  
27 legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to  
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1 amend the Complaint to reflect the true names and capacities of the DOE Defendants when such  
2 identities become known.

3 7. Plaintiff is informed and believes that at all relevant times, every Defendant was  
4 acting as an agent and/or employee of each of the other Defendants and was acting within the  
5 course and scope of said agency and/or employment with the full knowledge and consent of each  
6 of the other Defendants, and that each of the acts and/or omissions complained of herein was  
7 ratified by each of the other Defendants.

### 8 **FACTUAL ALLEGATIONS**

9 8. Defendant C2 Educational Systems Inc. (“C2 Education” or “Defendant”) is a  
10 provider of online tutoring programs intended for K-12 students. The company offers  
11 standardized test preparations, school subjects tutoring, college admission counseling, and boot  
12 camps. Defendant operates the website [www.c2educate.com](http://www.c2educate.com) (the “Website”). As part of  
13 Defendant’s marketing regime, C2 Education has partnered with TikTok to install sophisticated  
14 software on its landing page to learn the location, source, and identity of consumers who happen  
15 to land on their website.

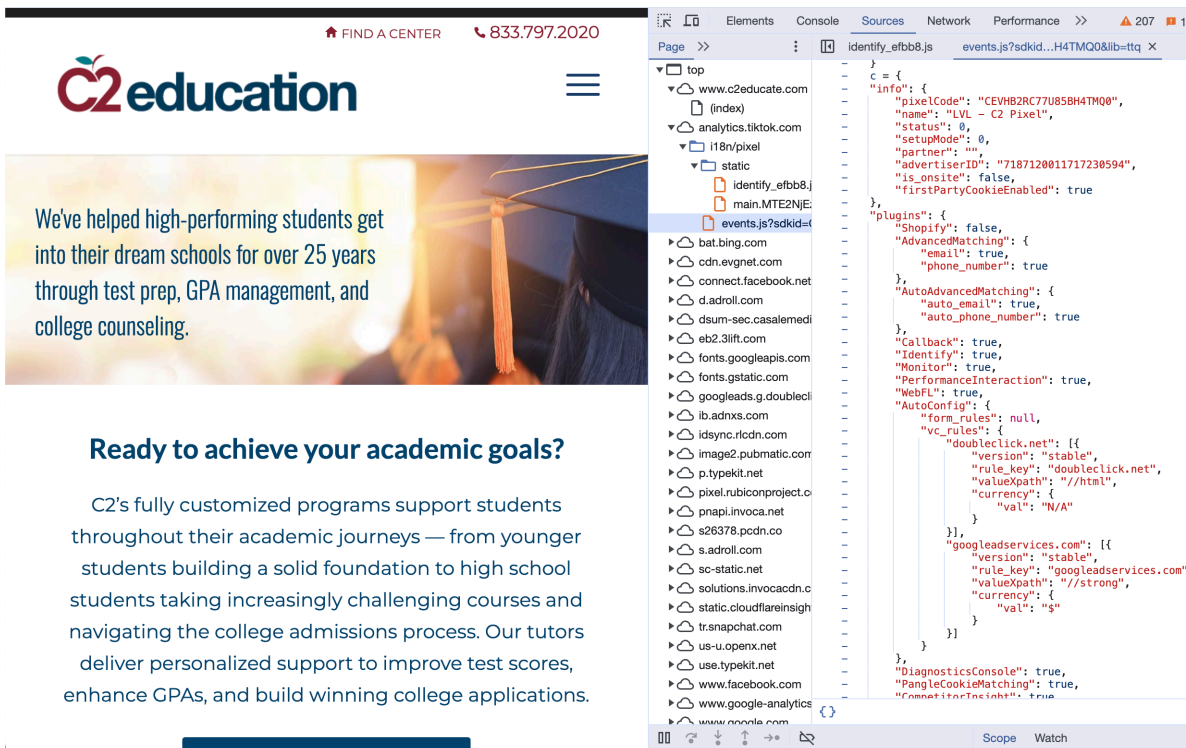
16 9. Plaintiff Dino Moody (“Plaintiff”) visited Defendant’s website on February 28,  
17 2024. Without Plaintiff’s knowledge or consent, Defendant deployed a de-anonymization  
18 process to identify Plaintiff using electronic impulses generated from Plaintiff’s device, as  
19 further described herein. Defendant’s installation of the TikTok tracing process violates  
20 California’s Trap and Trace Law, codified at California Penal Code § 638.51.

21 10. The TikTok Software acts via a process known as “fingerprinting.” Put simply,  
22 the TikTok Software collects as much data as it can about an otherwise anonymous visitor to the  
23 Website and matches it with existing data TikTok has acquired and accumulated about hundreds  
24 of millions of Americans.

25 11. The TikTok Software gathers device and browser information, geographic  
26 information, referral tracking, and url tracking by running code or “scripts” on the Website to  
27 send user details to TikTok.

12. Additionally, since C2 Education has decided to use TikTok's "AutoAdvanced Matching" technology, TikTok scans every website for information. Thus, when the website asks for information, such as name, date of birth, and address, the information is sent simultaneously to TikTok, so that TikTok can isolate with certainty the individual to be targeted.

13. The TikTok Software runs on virtually every page of C2 Education's website, sending to TikTok images of website user's interests. An image of the code, as it appears side by side (and simultaneously) with the TikTok AutoAdvanced Matching tracking code C2 Education has placed on the page, can be seen here:



14. The C2 Education website instantly sends communications to TikTok when a user lands, and every time a user clicks on a page. In the example below, the right side of the image shows the various TikTok scripts being run by Defendant, and the electronic impulses being sent to TikTok to add to their collection of user behavior:

The screenshot shows the C2education website on the left and its network traffic in a browser's developer tools on the right. The website has a header with 'FIND A CENTER' and '833.797.2020'. The main content area features a banner with the text: 'We've helped high-performing students get into their dream schools for over 25 years through test prep, GPA management, and college counseling.' Below the banner is a section titled 'Ready to achieve your academic goals?' with a paragraph: 'C2's fully customized programs support students throughout their academic journeys — from younger students building a solid foundation to high school students taking increasingly challenging courses and navigating the college admissions process. Our tutors deliver personalized support to improve test scores, enhance GPAs, and build winning college applications.'

The developer tools on the right show the 'Network' tab with a list of requests. The table below represents the data from the 'Network' tab:

Name	Status	Type	Initiator	Size	Time	Waterfall
events.js?sdkid=CEVHB...	200	script	VM41:2	2.9 kB	290 ms	
main.MTE2NjEzZW44MQ.js	200	script	events.js?...	114 kB	363 ms	
identity_efbb8.js	200	script	main.MTE2...	37.6 kB	118 ms	
pixel	200	ping	main.MTE2...	849 B	206 ms	
act	200	ping	main.MTE2...	846 B	801 ms	

At the bottom of the developer tools, it shows: 5 / 81 requests | 157 kB / 685 kB transferred | 578 kB / 2.1 MB resources

15. California Penal Code § 638.50(c). California law defines a “trap and trace device” as “a device or process that captures the incoming electronic or other impulses that identify the originating number or other dialing, routing, addressing, or signaling information reasonably likely to identify the source of a wire or electronic communication, but not the contents of a communication.” California Penal Code § 638.50(c).

16. The TikTok Software is a process to identify the source of electronic communication by capturing incoming electronic impulses and identifying dialing, routing, addressing, and signaling information generated by users, who are never informed that the website is collaborating with the Chinese government to obtain their phone number and other identifying information.

17. The TikTok Software is “reasonably likely” to identify the source of incoming electronic impulses. In fact, it is designed solely to meet this objective.



1 e. Whether Plaintiff and Class Members are entitled to statutory penalties; and

2 f. Whether Class Members are entitled to injunctive relief.

3 g. Whether Class Members are entitled to disgorgement of data obtained unlawfully.

4 24. TYPICALITY: As a person who visited Defendant's Website and whose  
5 electronic communication was subjected to a trap and trace process on Defendant's Website,  
6 they are typical of the Class.

7 25. ADEQUACY: Plaintiff will fairly and adequately protect the interests of the  
8 members of The Class. Plaintiff has retained attorneys experienced in the class action litigation.  
9 All individuals with interests that are actually or potentially adverse to or in conflict with the  
10 class or whose inclusion would otherwise be improper are excluded.

11 26. SUPERIORITY: A class action is superior to other available methods of  
12 adjudication because individual litigation of the claims of all Class Members is impracticable  
13 and inefficient. Even if every Class Member could afford individual litigation, the court system  
14 could not. It would be unduly burdensome to the courts in which individual litigation of  
15 numerous cases would proceed.

16 **FIRST CAUSE OF ACTION**

17 **Violations of California Trap and Trace Law**

18 **Cal. Penal Code § 638.51**

19 27. Plaintiff repeats and re-alleges the allegations contained in every preceding  
20 paragraph as if fully set forth herein.

21 28. California Penal Code §638.51 (the "California Trap and Trace Law") provides  
22 that "a person may not install or use...a trap and trace device without first obtaining a court  
23 order..." § 638.51(a).

24 29. A "trap and trace device" as "a device or process that captures the incoming  
25 electronic or other impulses that identify the originating number or other dialing, routing,  
26 addressing, or signaling information reasonably likely to identify the source of a wire or  
27 electronic communication, but not the contents of a communication." California Penal Code §  
28 638.50(c).





**DEMAND FOR JURY TRIAL**

Plaintiff Dino Moody hereby demands a trial by jury.

DATED: May 22, 2024

TAULER SMITH LLP

By: /s/ Robert Tauler  
Robert Tauler, Esq.  
*Attorneys for Plaintiff*  
*Dino Moody*